REMARKS

Claims 1-55 are now pending in this application. Claims 1, 5, 9, 12-18, 20-21, 39, 42, 44, and 46-55 are independent. Claims 34-55 have been added.

In the outstanding Official Action, the Examiner rejected claims 1, 4, 5, 8, 9, 11-18, and 20-23 under 35 U.S.C. § 102(e) as being anticipated by *Asano* (USP 5,881,240); rejected claims 2, 6, and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Asano* in view of the Microsoft Press Computer Dictionary (1997); and rejected claims 3, 7, and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Asano* in view of *Feuerstraeter et al.* (USP 6,285,659).

By this Amendment, Applicants are amending the claims to more appropriately recite the present invention. It is respectfully submitted that these claim amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

Claim Rejections - 35 U.S.C. § 102

In support of the Examiner's rejection of claim 1, the Examiner asserts *Asano* teaches an attribute information acquiring unit acquiring information of data managed by an equipment connected to a network when the attribute is included in the content of the data, citing to personal computer 98, printer unit

74, Abstract, Fig. 3, col. 2, lines 31-44, and col. 8, lines 38-42. Applicants respectfully disagree with the Examiner's characterization of this reference.

Applicants note that the disclosure set forth in *Asano* is directed to a method and device for setting speed of data transmission. Specifically, *Asano* teaches personal computer 98 connected to facsimile machine 2 by a cable 96a (col. 4, lines 16-18). The fax portion 72 includes a CPU 80, ROM 82, RAM 84, a network control unit 86, a modem 88, an operation panel 14, and a scanner unit 22 all connected to each other by a bus 89 which is also connected to the gate array 76. The NCU 86 allows voice communication and transmission and reception of fax data between a remote telephone or facsimile device (col. 5, line 62 - col. 6, line 1). In transmitting data between facsimile machine 2 and facsimile unit 72, facsimile processes for using the facsimile machine 2 to transmit the image data to a remote facsimile machine are performed when the computer 98 transmits image data to the facsimile machine 2. When computer 98 transmits image data stored in the hard disk 112 to the printer unit 74, the printer unit transmits the image data from the computer 98 to the facsimile unit 72. Facsimile unit 72 transmits the image data to a remote facsimile machine indicated by a telephone number accompanying the image data (col. 12, line 62 - col. 13, line 9).

Asano utilizes computer 98 to facilitate setting a common transmission speed between facsimile machine 2 and facsimile machine 72. The data transmission speed setting device includes an inquiry command transmission means for transmitting an inquiry command to a remote device at a predetermined transmission speed; transmission speed capability acquisition means for receiving, from the remote device, a response to the inquiry command and for determining based on the content of the response any transmission speeds common between the remote device and the transmission device (col. 2, lines 31-39).

In contrast, the present invention as set forth in claim 1, as amended, recites, *inter alia*, a data receiving apparatus comprising a data attribute information acquiring unit acquiring data attribute information of each data item managed by an equipment connected to a network and a transfer selecting unit selecting a method of data transfer based on the data attribute information of each data item acquired by the data attribute information acquiring unit. Exemplary support for the term "data attribute" can be found in the specification, for example, at page 10, line 27 to page 11, line 4. As additionally described in the specification on page 20, lines 1-5 and lines 14-20, data attributes are related to individual contents. Based upon the attributes of the data items, an appropriate transfer method is selected for each content.

However, as noted above, *Asano* merely facilitates setting a common transmission speed between facsimile machine 2 and facsimile machine 72. This is accomplished by transmitting an inquiry command to a remote device at a predetermined transmission speed where the response to the inquiry command is utilized to determine any transmission speeds, between the remote device and the transmission device. *Asano* fails to teach a data attribute information acquiring unit acquiring data attribute information of each data item managed by an equipment connected to a network as recited in claim 1. Further, *Asano* fails to teach a transfer selecting unit selecting a method of data transfer based on the data attribute information of each data item acquired by the data attribute information acquiring unit. As such, it is respectfully submitted that *Asano* fails to anticipate the claimed invention and, thus, claim 1 is allowable over *Asano*.

It is respectfully submitted that claims dependent on claim 1 are allowable based upon their dependency on an allowable claim.

It is further respectfully submitted that *Asano* fails to anticipate the present invention as recited in claim 5. Claim 5, as amended, recites, *inter alia*, a data transfer apparatus comprising a data attribute information transmitting unit transmitting data attribute information of each data item managed by its own equipment to an equipment connected to a network; a command

receiving unit receiving a command from the equipment connected to the network; and a transfer selecting unit selecting a transfer method based on data attribute information included in the command. As noted above, *Asano* fails to teach or suggest data attribute information. Additionally, as noted above, *Asano* fails to teach or suggest selecting a transfer method based on data attribute information. As such, it is respectfully submitted that claim 5 is not anticipated by *Asano*.

It is respectfully submitted that claims dependent on claim 5 are allowable based upon their dependency on an allowable independent claim.

It is respectfully submitted that claims 9, 12-18, 20-21, 39, 42, 44, and 46-55 contain elements similar to those discussed above with regard to claim 1 and/or claim 5. Thus, these claims, together with claims dependent thereon, are allowable for the reasons discussed above with regard to claim 1 and/or claim 5.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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